

## **REMARKS**

### **I. Status of the Application**

In view of the above amendments and the following remarks, reconsideration of the rejections and objections set forth in the Office Action of July 9, 2010 is respectfully requested.

Claims 1, 12, and 19-21 have been amended and claims 1-7 and 9-21 are now pending in the application. No new matter has been added by these amendments.

### **II. Drawings**

On page 2 of the Office Action, figure 9 is objected to for failing to include a legend such as “Prior Art.” Replacement sheets in compliance with 37 C.F.R. § 1.121(d) are submitted herewith to insert the required legend; no new matter has been added. Withdrawal of this objection is thus respectfully requested.

### **III. Duplicate Claims**

On page 2 of the Office Action, it is asserted that claims 19 and 20 are substantial duplicates of claims 10 and 11. Claims 19 and 20 have been amended to recite entirely different subject matter, and thus withdrawal of this objection is respectfully requested.

### **IV. Prior Art Rejections**

Currently, claims 1-3, 5, 7, 10-14, 17, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stedron et al. (US 6,043,462, herein referred to as “Stedron et al. ‘462”) in view of Dills (US 3,612,827), claims 4 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stedron et al. ‘462 in view of Dills and further in view of Fischer et

al. (US 4,490,603), and claims 6, 9, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stedron et al. ‘462 in view of Dills and further in view of Stedron et al. (US 6,207,933, herein referred to as “Stedron et al. ‘933”).

It is submitted that the present invention, as defined in the amended claims, is now clearly distinguished over the applied prior art for the following reasons. Claim 1 recites a built-in cooking appliance comprising a main body that includes a casing having an opening defined therein at an upper portion thereof, a heat source accommodated in the casing, and a top plate unit fastened to the casing so as to close the opening in the casing, the main body being adapted to be inserted into an opening defined in a kitchen counter such that a lower surface of the top plate unit is placed on the kitchen counter, wherein the top plate unit includes: a top plate for supporting an object to be heated; an underframe holding the top plate placed on an upper surface thereof, the underframe extending outwardly beyond an entire outer peripheral edge of the top plate, wherein the underframe has an outer peripheral edge arranged to confront an upper surface of the kitchen counter; and a decorative panel covering an upper portion of an outer peripheral edge of the top plate, wherein the decorative panel has an inwardly bent portion that has been formed by bending an outer peripheral edge portion of the decorative panel inwardly toward a lower surface of the underframe to hold the outer peripheral edge of the underframe.

On page 3 of the Office Action, the Examiner acknowledges that the Stedron et al. ‘462 reference does not disclose the decorative panel of claim 1. However, it is asserted that the removable trim ring (47) of the Dills reference corresponds to the decorative panel of claim 1, and that it would have been obvious to combine the teachings of Stedron et al ‘462 and the Dills reference in order to yield the claimed invention. Applicants traverse this rejection for the following reasons.

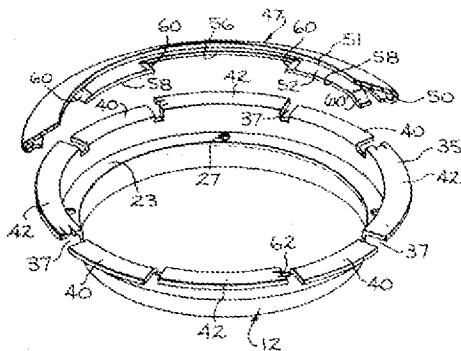
First, the heating unit of Dills does not include an underframe as required by claim 1. As seen in Figure 3, Dills discloses a pan (12) which is the structural equivalent of the casing recited in claim 1 because it accommodates the heating element (16) and forms a bottom surface of the unit. The uppermost ledge (42) of the pan (12) of Dills directly contacts the top plate (45), and Dills does not include any separate structure corresponding to the underframe of the present invention. Accordingly, neither Dills nor Stedron et al. '462 discloses a decorative panel which has an inwardly bent portion holding the outer peripheral edge of an underframe.

Moreover, claim 1 requires a top plate unit which is fastened to a casing, the unit including the top plate, the underframe, and the decorative panel. In other words, the top plate, underframe, and decorative panel are assembled as a unit and the unit is fastened to the casing. As discussed above, the Dills reference only discloses a decorative frame connected to a pan (12) which corresponds to the casing. Because Dills does not disclose a top plate unit fastened to a casing, Dills cannot meet the requirements of claim 1, nor could Dills be combined with the Stedron et al. '462 reference to meet the requirements of claim 1.

Further, as seen in figures 2 and 3 of Dills, the pan 12 has alternating ledges (40, 42) that are vertically offset from each other (see also column 2, line 74 - column 3, line 3: "The segments of the flange 35 are then formed into an alternate series of ledges that are vertically offset from each other, there being lowermost ledges 40 and uppermost ledges 42."). In contrast, claim 1 requires an underframe extending outwardly beyond an entire outer peripheral edge of the top plate; such a configuration firmly holds the top plate to the underframe. Because Dills does not disclose an underframe, as discussed above, and further does not disclose any corresponding structure which extends beyond an entire outer peripheral edge of the top plate,

Dills cannot meet the requirements of claim 1, nor could Dills be combined with Stedron et al. '462 to meet the requirements of claim 1.

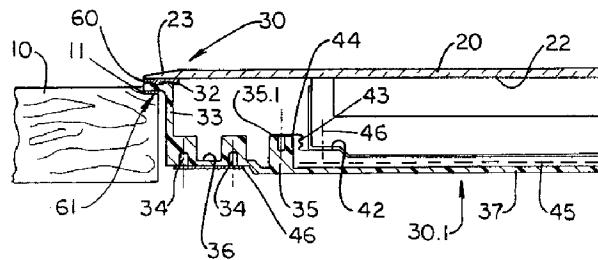
Additionally, it is noted that the removable trim ring (47) of Dills is rotated into place between the offset ledges (40, 42) of the pan (12) to lock into place (see column 3, lines 52-55); however, the unit (30.1) of Stedron et al. '462 does not have vertically offset ledges and thus could not be coupled to the removable trim ring (47) as suggested in the Office Action. Because the device of Stedron et al. '462 could not be combined with the removable trim ring (47) of Dills as asserted in the Office Action, no *prima facie* case of obviousness has been established with respect to claim 1.



**Figure 3 of Dills (US 3,612,827)**

Lastly, it is noted that the device of Stedron et al. '462 is disclosed as being advantageous for cooking surfaces which are permanently connected to the mounting arrangement (see column 3, lines 30-32: "This, above all, is advantageous, if the cooking surface is permanently connected to the mounting arrangement"). In fact, the entire disclosure of Stedron et al. '462 is directed toward a floor group (37) including separatable area (36) for being "subdivided so that the appropriate repair work can be carried out" in such a permanently attached configuration (see column 3, lines 33-34, and see also figure 1). In contrast, the disclosure of Dills is directed toward a configuration which allows for removal and disassembly (see column 3, lines 63-65).

As such, one skilled in the art would be led away from the combination of references suggested in the Office Action by the disclosure of the Stedron et al. '462 reference, which advocates permanently connected mounting arrangements. Because Stedron et al. '462 teaches away from a removable attachment means such as the removable trim ring (47) of Dills, one skilled in the art would not modify the Stedron et al. '462 reference as suggested in the office action, and thus no *prima facie* case of obviousness has been established with respect to claim 1.



**Truncated Figure 1 of Stedron et al. (US 6,043,462)**

Further, it appears as though there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of claim 1. It is thus submitted that the invention of the present application, as defined in claim 1, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art.

Allowance is respectfully requested.

Claims 2-7, 9-11, 19, and 20 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. Claims 12 and 21 require limitations substantially identical to those discussed above with respect to claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1, and claims 13-18 depend from claim 12 and are thus allowable at least by virtue of their dependencies.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, it is respectfully submitted that the present application is now in condition for allowance, and action to such effect is earnestly solicited. Should any issues remain after consideration of the response, however, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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